



#9 / Terminal Discl
7/15/11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gary K. Michelson)
)
Serial No.: 09/412,082)
)
Filed: October 4, 1999)
)
For: METHOD FOR INSERTING)
FRUSTO-CONICAL INTERBODY)
SPINAL FUSION IMPLANTS)

Group Art Unit: 3732
Examiner: M. Brown

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

TERMINAL DISCLAIMER

Petitioner ("inventor/owner") Gary Karlin Michelson, residing at 438 Sherman Canal, Venice, California 90291, represents that he is the only inventor/owner of the entire right, title and interest in and to the above-identified application, Serial No. 09/412,082 filed October 4, 1999 for METHOD FOR INSERTING FRUSTO-CONICAL INTERBODY SPINAL FUSION IMPLANTS and is the only inventor/owner of the entire right, title and interest in and to application Serial No. 08/480,904, filed June 7, 1995 (now U.S. Patent No. 6,210,412), for METHOD FOR INSERTING FRUSTO-CONICAL INTERBODY SPINAL FUSION IMPLANTS. Inventor/owner Gary Karlin Michelson further represents through his representative that to the best of his knowledge and belief, title to the above-identified application and the United States Patent No.

6,210,412 are in inventor/owner, which is submitting this Terminal Disclaimer.

To obviate a double patenting rejection, Gary Karlin Michelson hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 09/412,082, which would extend beyond the expiration date of Patent No. 6,210,412 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,210,412, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on application Serial No. 09/412,082 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of Patent No. 6,210,412, as presently shortened by any terminal disclaimer, in the event that Patent No. 6,210,412: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this reply, please charge the fees to our Deposit Account No. 50-1066. If a fee is required for an extension of time under 37

C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of Petitioner Gary Karlin Michelson.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: 6/28/01

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